

Notice of Allowability

Application No.

10/649,715

Examiner

Brian Nash

Applicant(s)

ALBRIGHT, TIMOTHY L.

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview held 11-17-2005.
2. ☒ The allowed claim(s) is/are 1,5,6 and 8-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Examiner's Comments

1. This action is in response to a personal interview held on 11/17/2005 with attorney Jeffrey Schwartz.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Schwartz at 704-552-1889 on 11/18/2005.

The application has been amended as follows:

In the specifications, page 1, the following was inserted immediately following the title (with a blank line above and below this text), --This application is a continuation of U.S. Application Serial No. 09/934,417 filed August 21, 2001, now US Patent No. 6,609,999.--;

Claim 1 has been replaced with --A method of forming an easy-open corner portion of a bag, the corner portion being removable to define a pourer through which contents of the bag are dispensed, the bag having first and second walls with joined opposing side edges, and opposing end edges, said method comprising the steps of:

- (a) forming a seal line proximately one of the end edges of the bag for sealing closed an end of the bag;

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(b) after step (a), forming a starter nick in a skirt of the bag between the end edge and the proximate seal line, the starter nick being formed a spaced distance from one side of the seal line;

(c) after step (b), forming a series of closely spaced perforations in the first and second walls of the bag, the perforations extending along a predefined tear line from the end edge of the bag proximate the starter nick to one side edge of the bag, a first of the perforations proximate the starter nick being formed a spaced distance from an opposite side of the seal line, and the distance between the starter nick and first perforation being at least 0.38 inches; and

(d) when forming the starter nick and perforations, bypassing the seal line of the bag to avoid cutting the seal line during formation of the easy-open corner portion, such that the seal line protects the bag against inadvertent bursting and spillage of contents, and the tear line intersecting the seal line such that upon removal of the corner portion of the bag along the tear line, the seal line is then severed to allow dispensing of contents through the resulting pourer.--;

Claim 7 was cancelled;

Claim 8 was replaced with --A method of forming an easy-open corner portion of a bag, the corner portion being removable to define a pourer through which contents of the bag are dispensed, the bag having first and second walls with joined opposing side edges, and opposing end edges, said method comprising the steps of:

(a) forming a seal line proximately one of the end edges of the bag for sealing closed an end of the bag;

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(b) after step (a), forming a starter nick in a skirt of the bag between the end edge and the proximate seal line, the starter nick being formed a spaced distance from one side of the seal line;

(c) simultaneous with step (b), forming a series of closely spaced perforations in the first and second walls of the bag, the perforations extending along a predefined tear line from the end edge of the bag proximate the starter nick to one side edge of the bag, a first of the perforations proximate the starter nick being formed a spaced distance from an opposite side of the seal line, and the distance between the starter nick and first perforation being at least 0.38 inches; and

(d) when forming the starter nick and perforations, bypassing the seal line of the bag to avoid cutting the seal line during formation of the easy-open corner portion, such that the seal line protects the bag against inadvertent bursting and spillage of contents, and the tear line intersecting the seal line such that upon removal of the corner portion of the bag along the tear line, the seal line is then severed to allow dispensing of contents through the resulting pourer.--;

Claim 11 was cancelled.

Reasons For Allowance

3. The following is an examiner's statement of reasons for allowance: The prior art of record fails to anticipate or show in combination a method of forming an easy-open corner portion of a bag, the corner portion being removable to define a pourer through which contents of the bag are dispensed, the method comprising the steps of first forming a seal line proximate one of the end edges for sealing closed the end of the bag, then forming a starter nick in a skirt of the bag between the end edge and the proximate seal line, the starter nick being formed a spaced

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distance from one side of the seal line, then forming a series of perforations in the bag from the end edge of the bag proximate the starter nick to one side edge of the bag, a first of the perforations proximate the starter nick being formed a spaced distance from an opposite side of the seal line, and the distance between the starter nick and the first perforation being at least .38 inches, and when forming the starter nick and perforations, bypassing the seal line of the bag to avoid cutting the seal line during formation of the easy-open corner portion.

The examiner further notes that applicant's invention is allowable over the reference to Smiley because of two important differences. Smiley specifically discloses making the starter nick and the perforations extending up to the seal line and therefore no spaced distance is found between the perforations and the seal line or between the starter nick and the seal line. Furthermore, as more clearly seen in the difference between the cutting blade of Smiley (Smiley, Fig. 2) and the cutting blade of applicant (Fig. 3), the distance between the starter nick and the first of the perforations is greater. Specifically, applicant limits this distance to no less than .38 inches. All pending claims are now allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

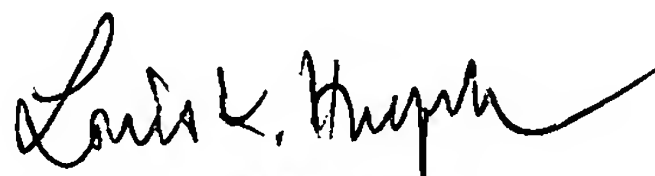
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 6 p.m.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467. The official fax number for this Group is: 571-273-8300

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/21/2005

Brian Nash
Patent Examiner
Art Unit 3721


LOUIS K. HUYNH
PRIMARY EXAMINER